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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,424	06/19/2006	Robert Ghislain Stocq	20724-PCT-US	1706

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BEMIS COMPANY, INC.
Patent and Trademark Department
2200 BADGER AVENUE
OSHKOSH, WI 54904

EXAMINER

NORDMEYER, PATRICIA L

ART UNIT	PAPER NUMBER
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1783

MAIL DATE	DELIVERY MODE
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05/19/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/583,424	Applicant(s) STOCQ, ROBERT GHISLAIN	
	Examiner Patricia L. Nordmeyer	Art Unit 1783	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 1-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Group II, claims 26 - 32 in the reply filed on March 25, 2010 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 26 – 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Regarding claims 26 and 27, the phrase "sheetlike" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

The phrase "second layer ridges by embossing" in claim 27 is unclear, which renders the claim vague and indefinite. It is unclear from the claim language if the embossing step is a method. It is also unclear which layer is being affected by the embossing, the flexible support or the second layer.

Claims 28 – 32 are also rejected under 35 U.S.C. 112 2nd paragraph due to their dependency on the above rejected claims.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 26 – 28, 31 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Jung et al. (USPN 6,372,341).

Jung et al. disclose multilayer sheet (Figure 3) comprising: (a) a flexible support (Figure 3) comprising: (i) a sheetlike structure having a first broad surface and opposing second broad surface (Figure 3, #80); (ii) a first layer of a silicone containing material in a sheetlike coating that is fixed to at least said first broad surface of said aforementioned sheetlike structure (Figure 3, #20); (iii) a second layer of a silicone containing material fixed to said first layer (Figure 3, #40) (ii) as a plurality of ridges thereby providing a flexible support having on at least one broad surface thereof a three dimensional topography of a plurality of ridges (Figure 3, #30; Column 3, lines 38 – 44); and (b) a flexible substrate having a proximate first surface and opposing distal second surface (Figure 3, #80) wherein said proximate first surface is in releasable contact with said three dimensional surface of said flexible support and said proximate first surface have a mating inversely replicated three dimensional topography (Figure 3) as in claim 26. With regard

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to claim 27, said sheetlike structure of said flexible support is not distorted into a plurality of ridges corresponding to said second layer ridges by embossing (Figure 3, wherein the outer surfaces are smooth). For claim 28, the distal second surface of said flexible substrate is visually free from any ridge pattern corresponding to said plurality of ridges of said flexible support (Figure 3, wherein the outer surfaces are smooth). Regarding claim 31, the distal second surface of said substrate has an additional exterior layer applied thereto (Column 6, lines 24 – 57). As in claim 32, the distal second surface of said substrate is printed with at least one image (Column 7, lines 40 – 52).

7. Claims 26 – 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Wilson et al. (USPN 5,296,277).

Wilson et al. disclose multilayer sheet (Figure 1) comprising: (a) a flexible support (Figure 1) comprising: (i) a sheetlike structure having a first broad surface and opposing second broad surface (Figure 1, #12); (ii) a first layer of a silicone containing material in a sheetlike coating that is fixed to at least said first broad surface of said aforementioned sheetlike structure (Figure 1, #14; Column 9, lines 21 – 23); (iii) a second layer of a silicone containing material fixed to said first layer (Column 10, lines 62 – 64) (ii) as a plurality of ridges thereby providing a flexible support having on at least one broad surface thereof a three dimensional topography of a plurality of ridges (Figure 1, #16); and (b) a flexible substrate having a proximate first surface and opposing distal second surface wherein said proximate first surface is in releasable contact with said three dimensional surface of said flexible support and said proximate first surface have

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a mating inversely replicated three dimensional topography (Figure 1) as in claim 26. With regard to claim 27, said sheetlike structure of said flexible support is not distorted into a plurality of ridges corresponding to said second layer ridges by embossing (Figure 1). For claim 28, the distal second surface of said flexible substrate is visually free from any ridge pattern corresponding to said plurality of ridges of said flexible support (Figure 1). With regard to claim 29, the substrate comprises a first adhesive layer forming a proximate first surface of said substrate (Column 5, lines 14 – 23). For claim 30, the substrate further comprises a first facestock layer in contact with said first adhesive layer and said facestock layer forms an opposing distal second surface of said substrate (Column 5, lines 14 – 23). Regarding claim 31, the distal second surface of said substrate has an additional exterior layer applied thereto (Column 5, lines 14 – 23). As in claim 32, the distal second surface of said substrate is printed with at least one image (Column 3, lines 23 – 27).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (571)272-1496. The examiner can normally be reached on Mon.-Fri. from 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Sample can be reached on (571) 272-1376. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Patricia L. Nordmeyer
Primary Examiner
Art Unit 1783

/Patricia L. Nordmeyer/
Primary Examiner, Art Unit 1783